

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 934
Case No. 00-18TA
(Text Amendments pertaining to Square 346
Former Woodward & Lothrop Department Store Building)
December 11, 2000

DISMISSAL ORDER

On June 22, 2000, the Office of Zoning received an application from Jemal Cayre Woodies, LLC to amend the text of Chapter 17 of the District of Columbia Zoning Regulations. The proposed amendment would allow the redevelopment of the building formerly occupied by the Woodward and Lothrop department store in Square 346. The Square is bounded to the north by G Street, N.W., to the south by F Street, N.W., to the east by 10th Street, N.W., and to the west by 11th Street, N.W.

The applicant contends that the proposed amendments to the Zoning Regulations would allow the development of the entire ground floor of the Woodies Building with retail, service and entertainment uses, therefore enlivening downtown streets and providing jobs and tax revenue.

The applicant proposed that the text amendment would bring Square 346 into conformity with (seventeen) 17 properties located in the Downtown Shopping District (SHOP) sub-areas with respect to retail, arts and service requirements. The amendment would also apply the provisions of § 1703.3, which governs the SHOP area, and subject the Square to housing requirements that are applicable to (thirteen) 13 squares located in Housing Priority Area "C", even though Square 346 is not in that Housing Priority Area.

The applicant contends that the zoning applicable to the subject site is discriminatory because it is the only site formerly occupied by a department store that does not allow office use and Square 346 is the only site outside a housing priority area that is specifically designated as permitting housing.

The proposed language to amend the Zoning Regulations is as follows:

[Note: new language is indicated by bold print and underlining and deleted language is indicated by strike-through.]

OPTION NUMBER 1

1. Delete § 1702.5 and renumber existing §§ 1702.6 through 1702.8 accordingly:
2. Amend § 1706.2 to read as follows:

The housing requirements and incentives of this section shall be applicable only in the Housing Priority Areas depicted in Map B and ~~which is described by~~ to those squares listed in subsection 1706.8, provided that the transferable development rights provisions of subsection 1706.3 shall be applicable throughout the DD District. Map B is incorporated by reference.

3. Amend § 1706.8 (c) to read as follows:

Housing Priority Area C comprises the DD/C-4 zoned properties that are located south of H Street in the Downtown Core area, including squares and parts of squares numbered 406, 407, 408, 431, 432, 454, 455, 456, 457, 458, 459, 460 and 491, and Square 346 which is located one block west of the Downtown Core area. Notwithstanding subsection 1706.9, if a combined lot development is utilized to satisfy the housing requirement may include two (2) or more properties within Housing Priority Area B or C.

4. Amend § 1706.20 to read as follows:

The residential requirements shall not apply to any lot restricted to a maximum development of 6.0 FAR pursuant to subsection 1707.4 except that such requirements shall apply to Square 346.

OPTION NUMBER 2

1. Amend § 1702.5 to read as follows:

1702.5 A department store in existence as of March 13, 1989, shall not be converted in whole or in part to another use, not be replaced by other uses occupying a new building on the same lot unless approved by the Board of Zoning Adjustment pursuant to section 3104 of this title; provided, that:

- (a) The entirety of the gross floor area may be converted as a matter-of-right to any combination of preferred retail, service and arts-related

uses as listed in sections 1710 and 1711 of this chapter, provided that any conversion on Square 346 may also include residential use, as defined in this chapter, or general office uses provided, however,

that in the event of a conversion to general office uses the following should occur:

- (1) The converted building shall provide on-site or account for off-site, in a combined lot development, no less than 2.0 FAR of residential use, and
- (2) The converted building shall devote all of the ground floor leasable space to the retail and personal services uses listed in section 1710 or the arts uses listed in section 1711, provided that the gross floor area devoted to the retail and arts uses listed in sections 1710 and 1711 shall be in no less than 0.5 FAR and, further provided, the other requirements of subsection 1703.3 shall be satisfied.
- (b) The gross floor area of the department store space after conversion may include a reduction or rearrangement in floor area to accommodate a new atrium or light well, or different configuration of the new use or uses;
- (c) A department store that existed as of the adoption of the SHOP District on March 13, 1989, but which was no longer in existence and operating as of the adoption of the Downtown Development District on January 18, 1991, may be converted to any uses permitted in the underlying zone district provided that retail and arts-related uses as specified in sections 1710 and 1711 shall occupy no less than 2.0 FAR equivalent in the converted or restructured building.
- (d) Notwithstanding subsection 1706.9, if a combined lot development is utilized to satisfy the housing requirement for Square 346, such combined lot development may include two (2) or more properties within Housing Priority Area B or C.

REASONS FOR DISMISSAL

At its regular monthly meeting on December 11, 2000, the Commission agreed by consensus to dismiss the case in order to consider a more recent case (Z.C. Case No. 00-33C) concerning the subject property.

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Zoning Commission Case No. 00-33C is a consolidated planned unit development (PUD), which proposed in part the development of the Woodies Building with housing, a major retail tenant, and office space.

DECISION

Upon consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia, pursuant to 11 DCMR § 3011.3, hereby **DISMISSES** Z.C. Case No. 00-18TA without a public hearing.

Vote of the Zoning Commission taken at the public meeting on December 11, 2000: **5-0-0** (Herbert M. Franklin, John G. Parsons, Anthony J. Hood, Carol J. Mitten and Kwasi Holman to dismiss).

In accordance with the provision of 11 DCMR § 3028, this order is final and effective upon publication in the DC register on AUG 10 2001.


CAROL J. MITTEN
Chairman
Zoning Commission


JERRILY R. KRESS, FAIA
Director
Office of Zoning